

Appl. No. 10/021,896
Amdt. dated August 10, 2004
Reply to Office Action of February 27, 2004

REMARKS/ARGUMENTS

In the Office Action, claims 9, 11-15 and 17-22 were rejected under 35 USC 102(b) as being unpatentable by USPN 4,380,043 to Takamatsu et al (hereinafter Takamatsu) for the reasons stated in the Office Action.

Claim 16 was rejected under 35 USC 103(a) as unpatentable over Takamatsu in view of USPN 6,224,221 to Glienicke on grounds set forth in the Office Action.

The claims have been amended to distinguish over the cited art and to overcome the foregoing rejections in view of the following argument.

Claim 9 is amended to state that light is led from the light source (40) through the driving unit (3) to the light splitter (10).

In none of the cited prior art is light led through the driving unit. By this feature the compactness of the device is enhanced.

By this amendment some of the claim dependencies are altered for better definition of the invention.

Present claims 11, 12, 16 and 17 depend from amended claim 9, claim 13 depends from claim 12, current claim 14 depends from claim 13, claim 15 depends from claim 14, claim 18 depends from claim 17, claim 19 depends from claim 18 and claim 20 depends from claim 15.

Nowhere it is shown in the cited prior art that the driving shaft serves as a light guide: In Takamatsu the driving shafts 30, 31, 41, 42 do not serve as a light guide. The light is guided by 'a' guide located outside of the drive shafts. On these shafts there are mounted pointers 33, 34, 44, 45, with parts 33a, 44a, 45a which serve as light guides, but these parts are not the respective drive shafts so that the argumentation of the Examiner has not discussed this point.

Furthermore, in Takamatsu, the light is led from the lower pointers 33a, 44a to the upper pointers 34a, 45a and not vice versa as in present claim 9. The argumentation of the Examiner does not discuss this point.

Still further distinction between the present invention and the teachings of the cited art are set forth in new claims 23-24.

New claims 23 and 24 are distinguishable from the combined teachings of the cited art by stating that the frustum-shaped coaxial depression is located on an axis of the drive shaft. This is distinguishable from Glienicke who shows a depression type surface located at considerable distance from an axis of his structure. Furthermore, claims 23 and 24 disclose that light is conducted from the light source via the drive shaft, this being distinguishable from Takamatsu who employs a separate light guide offset from his drive shafts. Also, these claims disclose that the coaxial depression serves to direct a portion of the rays of the light source to the upper pointer and rays from a further portion of the light of the source to the lower pointer, no such functions being found in the depression type surface of Glienicke. Claims 23 and 24 differ in that claims 23 locates the light source on a side of the drive unit opposite the location of the pointers. Claims 23 and 24 are believed to be free of the foregoing rejections, and to

present allowable subject matter, in view of the foregoing differences between the claimed structure and the structures of the cited art.

In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted
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CERTIFICATE OF MAILING UNDER 37 CFR SECTION 1.8(a)

I hereby certify that the accompanying Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on August 10, 2004.

Dated: August 10, 2004

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